

Exhibit 1

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Appointed Class Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE GOOGLE PLUS PROFILE
LITIGATION) No. 5:18-CV-06164-EJD (VKD)
)
) **DECLARATION OF JOHN A.**
) **YANCHUNIS IN SUPPORT OF**
) **PLAINTIFFS' MOTION FOR**
) **ATTORNEYS' FEES, COSTS, AND**
) **EXPENSES, AND SERVICE AWARD**
)
)
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1 I, John A. Yanchunis, pursuant to 28 U.S.C. § 1746, declare as follows:

2 1. I have been licensed to practice law in the state of Florida since 1981.

3 2. A description of my firm, its professional staff dedicated to consumer class
4 litigation and my experience in the area of class action litigation and was described in detail in
5 other declarations previously submitted to the Court and will not be repeated here; however, to
6 provide the Court an update on my experience since being appointed Co-Lead Counsel in this
7 matter, I attach a copy of my updated biography and representative matters as **Exhibit A**.

8 3. I was one of the principal lawyers in charge of all aspects of the litigation and I
9 worked collaboratively with my co-counsel in the case to ensure that Plaintiffs and the Class which
10 they sought to represent were zealously represented, while also ensuring efficiency and reducing
11 duplicative effort.

12 4. The hourly rates of the professionals in my firm, including my own, reflect
13 experience and accomplishments in the area of class litigation. The rate of \$950 per hour which I
14 charge for my time is commensurate with hourly rates charged by my contemporaries around the
15 country, including those rates charged by lawyers with my level of experience who practice in the
16 area of class litigation across the nation, and I have been awarded that rate by courts. For example,
17 most-recently in *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, a class case in which I was
18 lead counsel for the class, the Honorable Judge Lucy H. Koh found these rates to be reasonable
19 “in light of prevailing market rates in this district and that counsel for Plaintiffs have submitted
20 adequate documentation justifying those rates.” 2020 WL 4212811, *26 (N.D. Cal. July 22, 2020).

21 5. Prior to submitting the motion for attorneys’ fees, costs and expenses, I compared
22 and confirmed the hourly rate of the professionals in my firm with lawyers at other law firms
23 whose practice is focused on class litigation. Moreover, as I have been retained as an expert on
24 attorneys’ fees in other class cases, and as part of my legal education, I routinely survey hourly
25

1 rates charged by lawyers around the country in published surveys, and review continuously as part
2 of my continuing education, opinions rendered by courts on attorneys' fee requests. Again, based
3 upon my research, our rates are within the range of lawyers with our levels of experience.
4

5 6. The lawyers and other professional staff of my firm maintain and record their
6 respective time and the specific services they perform contemporaneously in a computerized
7 system. Based upon the records in this system, my firm's lodestar is in excess of 464 hours as of
8 September 26, 2020, amounts to \$362,765.60 in lodestar. This time includes investigating the case;
9 drafting and filing the first complaint; attentively tracking news and announcements, including the
10 announcement of the Second Data Leak increasing the potentially affected consumers from
11 500,000 to more than 53 million; amending the complaint; consolidating the cases before this
12 Court; filing the consolidated complaint; defending against a complex motion to dismiss;
13 conducting informal discovery; preparing for and attending mediation; obtaining post-mediation
14 information; negotiating a complex Settlement Agreement; soliciting bids for and investigating
15 potential notice and claims administrators and their respective plans; moving for and successfully
16 obtaining preliminary approval; working in concert with the Settlement Administrator; preparing
17 the Press Release; monitoring the notice and claims administration; and preparing motions for fees
18 and final approval.
19

20 7. Additional time will be spent to respond to any objections, to prepare for and attend
21 the fairness hearing and obtain final approval, to defend any appeals taken from the final judgment
22 approving settlement if such appeals are taken, to respond to inquiries from Class Members about
23 the case and the Settlement, and ensure that the distribution of settlement proceeds to Class
24 Members is done in a timely manner in accordance with the terms of the Settlement. I assert that
25 the attorneys' fees sought in the motion for attorneys' fee is reasonable and seeks fair and
26 reasonable compensation for undertaking this case on a contingency basis, and for obtaining the
27
28

1 relief for Plaintiffs and the Class. Throughout this action, we have been challenged by highly
 2 experienced and skilled counsel who deployed very substantial resources on Defendant's behalf.
 3

4 8. The chart below reflects the amount of time spent by me and members of my firm
 5 in the prosecution of this case, which was entirely self-funded without any litigation financing:
 6

| Name | Title | Hourly Rate | Time Spent | Total Billed |
|--------------------|-----------|-------------|---------------|---------------------|
| John A. Yanchunis | Partner | \$950 | 105.30 | \$100,035.00 |
| Jean Sutton Martin | Partner | \$894 | 5.5 | \$4,917.00 |
| Ryan J. McGee | Attorney | \$742 | 167.10 | \$123,988.20 |
| Jonathan Cohen | Attorney | \$742 | 100.1 | \$74,274.20 |
| Kenya Reddy | Attorney | \$894 | 37.4 | \$33,435.60 |
| Marcio Valladares | Attorney | \$864 | 24 | \$20,736.00 |
| Patrick A. Barthle | Attorney | \$658 | 0.9 | \$592.20 |
| Lorraine Carreiro | Paralegal | \$202 | 18.3 | \$3,696.60 |
| Jennifer Cabezas | Paralegal | \$202 | 5.4 | \$1,090.80 |
| Total | | | 464.00 | \$362,765.60 |

14
 15 9. A breakdown of my firm's costs and expenses, again which I assert are reasonable and
 16 were entirely self-funded, are pulled from a computerized database maintained by individuals in
 17 the accounting office of my firm and which were checked for accuracy, are reflected below.
 18

| Description | Subtotals | Totals Per Category |
|---|-------------|---------------------|
| Court Fees | | \$310.00 |
| Filing Fee | \$310.00 | |
| Professional Services | | \$44,879.80 |
| Irene L. Rodriguez CSR, RMR, CRR | \$152.60 | |
| Glassratner Advisory & Capital Group, LLC | \$35,309.00 | |
| Randall Wulff Dispute Resolution | \$9,000.00 | |
| SLK Investigations, Process Server | \$295.60 | |
| PACER | \$122.60 | |

| | | | |
|----|---|------------|--------------------|
| 1 | Copies & Printing | | \$235.50 |
| 2 | Color Printing / Copies | \$122.00 | |
| 3 | Black and White Printing / Copies | \$113.50 | |
| 4 | Shipping, Long Distance & Printing | | \$66.83 |
| 5 | FedEx | \$63.08 | |
| 6 | Postage | \$1.50 | |
| 7 | Long Distance | \$2.25 | |
| 8 | Travel Expenses to attend hearings, depositions and the mediation of this case | | \$7,838.77 |
| 9 | | | |
| 10 | | | |
| 11 | John A. Yanchunis | \$7,069.06 | |
| 12 | Ryan J. McGee | \$769.71 | |
| 13 | Total | | \$53,330.90 |
| 14 | | | |

15 10. As stated above, a number of tasks will be required of my firm to conclude the
16 litigation. In my experience leading class actions of this magnitude, I reasonably estimate that the
17 future number of hours required to bring this Settlement to finality would be:

| 18 | Additional Work Required of Class Counsel | Projected Hours |
|----|--|-----------------|
| 19 | Continued work reviewing and responding to objections | 60 |
| 20 | | |
| 21 | Continued work preparing and finalizing the Motion for Final Approval, and preparing for and attending the final hearing | 60 |
| 22 | | |
| 23 | Responding to and litigating any appeals taken | 300 |
| 24 | | |
| 25 | Overseeing the administration of the Settlement | 80 |
| | Total | 500 |

27 11. Based on my past experience with matters of this type and magnitude, I reasonably
28 anticipate that a blended rate of \$650 per hour would be reasonable for the anticipate hours to be

1 expended bringing this matter to finality. Applying that rate to the anticipated 500 hours needed to
2 bring this case to finality, the additional work required would result in a lodestar of approximately
3 \$325,000.00. I also reasonably estimate that anticipated future costs to accomplish these same tasks
4 would amount to \$5,000.00.

6 12. From the commencement of this case through today, Plaintiffs at all times have
7 been in control of this litigation. They reviewed and approved of the amended complaint filed in
8 this case, kept up with the ongoing developments of the case, was subject to the time-consuming
9 demands of discovery, including being deposed. They were also consulted regarding the relief that
10 would sought for the Class at mediation, and gave consent to the result which was reached at
11 mediation through the services of Randall C. Wulff. The subject of a service award was not raised
12 nor negotiated until after the parties had reached a settlement of the underlying claims, and the
13 Plaintiffs' consent and agreement to the terms of the Settlement was not, nor is it in any way,
14 conditioned on receipt of a service award. I support and request the reasonable serve award of
15 \$1,500 for each of the named Plaintiffs as appointed representatives of the Class.
16

17 13. As described in the Preliminary Approval Motion (Dkt. No. 57), the administrative
18 fees, costs, and expenses of the Settlement Administrator (“Settlement Administration Expenses”)
19 are to be paid from the Settlement Fund. *See, S.A. ¶ 2.8.*

Executed this 28th of September 2020 at Tampa, Florida.

By: s John A. Yanchunis
John A. Yanchunis, Esq.

Exhibit A



John A. Yanchunis Mr. Yanchunis practices in Morgan & Morgan's Complex Litigation Group and leads the National Consumer Class Action Department. Morgan & Morgan is the largest plaintiffs' law firm in the country with approximately 600 lawyers. Before entering private practice in 1982, Mr. Yanchunis served for two years as a law clerk for the Honorable Carl O. Bue, Jr., a U.S. District Judge in Houston, Texas.

During his career, Mr. Yanchunis has tried numerous cases in state and federal courts, including one of the largest and longest insurance coverage cases in U.S. history, filed in 1991 by The Celotex Corporation and its subsidiary, Carey Canada, Inc. During the approximately seventeen years the case pended, Mr. Yanchunis served as lead counsel for several insurance companies, regarding coverage for asbestos and environmental claims. The case was tried in three phases over several years beginning in 1992. Mr. Yanchunis was also lead counsel for these parties in the subsequent appeals which followed a judgment in favor of his clients.

As a result of his experience in insurance and complex litigation, beginning in 2005, and while maintaining his private practice, Mr. Yanchunis served as lead counsel for the Florida Department of Financial Services and the Florida Department of Insurance Regulation (the insurance regulators of Florida) in their investigation of the insurance industry on issues concerning possible antitrust activity and other possible unlawful activities regarding the payment of undisclosed compensation to insurance brokers. Mr. Yanchunis served as lead regulator counsel and worked with a core group of state Attorneys General from the National Association of Attorneys General, which were selected to conduct the investigations. The insurance regulator for Florida was the only insurance regulator in the group. The litigation filed based on this and related investigations netted millions of dollars in restitution for Florida consumers and resulted in significant changes in the way commercial insurance is sold in Florida and across the country.

In the last several years Mr. Yanchunis's practice has had a heavy emphasis on privacy class litigation. In addition to the matters noted in the application, recent privacy, data breach, and data disclosure class cases in which he has served in leadership include: *In re: Capital One Consumer Data Sec. Breach Litig.*, No. 1:19-md-02915 (E.D. Va.) (Co-Lead Counsel); *In re: Equifax, Inc. Customer Data Sec. Breach Litig.*, No. 1:17-md-02800 (N.D. Ga.) (Plaintiffs' Steering Committee); *In re: Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 16-md-02752 (N.D. Cal.) (Lead Counsel); *In re Office of Pers. Mgmt. Data Breach*, 1:15-mc-01394-ABJ (D.D.C.) (Plaintiffs' Steering Committee); *Jasper Schmidt et al. v. Facebook, Inc.*, No. C 18-05982 WHA (JSC) (N.D. Cal.) (Co-Lead Counsel); *In re Arby's Rest. Grp., Inc. Litig.*, 1:17-cv-1035-AT (N.D. Ga.) (co-liaison counsel); *Morrow v. Quest Diagnostics, Inc.*, 2:17-cv-0948 (D. N.J.) (Lead Counsel); *Walters v. Kimpton Hotel & Rest. Grp., LLC*, 3:16-cv-5387-VC (N.D. Cal.) (Lead Counsel); *Torres v. Wendy's Int'l, LLC*, 6:16-cv-210 (M.D. Fla.) (Lead Counsel); *In re: Home Depot Customer Data Sec. Breach Litig.*, No. 14-md-02583 (N.D. Ga.) (Co-Lead Counsel); *In re: Target Corp. Customer Data Sec. Breach Litig.*, No. 14-md-02522 (D. Minn.) (Plaintiffs' Steering Committee); *Remijas v. Neiman Marcus Grp., LLC*, 14-cv-1735 (N.D. Ill.) (Class Counsel); *Brady v. Scotty's Holdings, LLC*, 1:17-cv-01313 (S.D. Ind.) (Co-Lead Counsel); *Linnins v. TIMCO Aviation Services, Inc.*, 16-cv-486 (M.D.N.C.) (Co-Lead Counsel); *Bishop v. Shorter University*, 4:15-cv-00033-HLM (N.D. Ga.) (Lead Counsel); *Fulton-Green v. Accolade, Inc.*, 2:18-cv-00274-



GEKP, (E.D. Pa.) (Co-Lead Counsel); *Ortiz v. UCLA Health System*, No. BC589327 (Cal. Sup. Ct. Los Angeles Cnty.) (executive committee); *Brady v. Scotty's Holdings, LLC*, 1:17-cv-01313 (S.D. Ind.) (Co-Lead Counsel); *Nelson v. Roadrunner Transportation Systems, Inc.*, No. 1:18-cv-07400 (N.D. Ill.) (Lead Counsel); and *Hameed-Bolden v. Forever 21 Retail, Inc. et al.*, No. 2:18-cv-03019 (C.D. Cal.) (Lead Counsel).

As a result of his extensive experience in privacy and data-breach litigation, he regularly lectures at seminars regarding privacy litigation, including at international conferences, having spoken recently at the University of Haifa's 2019 Class Action Conference, in April 2019, in Haifa, Israel. Mr. Yanchunis also routinely speaks domestically on privacy and cybersecurity related topics including at: the NetDiligence Cyber Risk Forum in Philadelphia, PA (June 2017); the Consumer Protection Law Committee Convention in Boca Raton, FL (June 2017); several Harris Martin seminars, including MDL Conference, Equifax, St. Louis, MO (Nov. 2017), and MDL Conference Marriott Data Breach Litigation Conference, Miami, FL (Jan. 2019); the New Jersey Assoc. for Justice, Atlantic City, NJ (May 2018); the Los Angeles Class Action Conference, Costa Mesa, CA (Jan. 2019); the Class Action Mastery Forum, University of San Diego (Jan. 2019); and Mass Torts Made Perfect, Las Vegas, Nevada (Oct. 2019). He has also been selected to present at the 2020 Global Class Actions Symposium's Privacy/Breach of Data Protection section held at The Law Society in London, England, in June 2020. Mr. Yanchunis is also a member of the Sedona Conference, participating in Working Group 11, which focuses on data security and privacy liability. He also spoke before the Sedona Conference at its February 2019 meeting in Houston, Texas. Many of these seminars are held for corporations that handle consumer data as a part of their business operations, insurance companies that provide data breach coverage to those companies, and for cyber security professionals. Based on his vast experience and long-standing, notable work in this area, Mr. Yanchunis was recently recognized by Law360 as one of its three Cybersecurity MVPs. Additionally, in 2016 the National Law Journal selected Mr. Yanchunis as a Trailblazer in the Area of Cybersecurity & Data Privacy.

Mr. Yanchunis has also represented The Florida Bar in many capacities. He has served as an expert for The Florida Bar in the area of class actions and ethics, and also served as special counsel in the prosecution of individuals for The Unauthorized Practice of Law, often leading to criminal contempt proceedings. Because of his work in the area of consumer protection, he was appointed Chair of The Florida Bar's Consumer Protection Law Committee. He was appointed by the Florida Supreme Court to serve as a member of The Florida Board of Bar Examiners (FBBE), on which he served from 1997 to 2002, and he has annually been re-appointed by the Court to serve as an Emeritus Member where he participates on character and fitness panels of bar applicants and serves as an arbiter at final hearings.

Mr. Yanchunis also served as a member of the Board of Directors for The Florida Bar Foundation, and is a Fellow of The Florida Bar Foundation. He served as Chairman of the Special Commission on Multi-Jurisdictional Practice, and was a member of the Special Committee on the Enhancement of the Practice of Law. Mr. Yanchunis was elected to the Board of Governors (BOG) of The Florida Bar, and was involved with many subcommittees of the BOG, including the Budget Committee, Multi-Disciplinary Practice Committee, and Board Review Committee on Professional Ethics. He has served on The Florida Bar's Ethics Committee, Standing Committee on Simplified Forms where he was a member and Vice Chairperson, and the Task Force on the Unlicensed Practice of Law. He has served as Chairperson, Vice Chairperson, and a member of the Standing Committee on the Unlicensed Practice of Law. Mr. Yanchunis is a former member



of the Standing Committee on Professionalism, the Continuing Legal Education Committee, the Public Relations Committee, and the Board of Governors of the Young Lawyers Division of The Florida Bar.

In addition to The Florida Bar, Mr. Yanchunis is admitted to practice before: the United States Supreme Court; the United States Courts of Appeal for the Fifth, Sixth, Seventh, Ninth, and Eleventh Circuits; and numerous United States District Courts around the country.

Mr. Yanchunis has been honored with the prestigious “AV” rating by Martindale-Hubbell. He has also been continuously recognized as a Florida Super Lawyer.

Mr. Yanchunis received his Bachelor’s degree from the University of Florida. While at the University of Florida, he was a member of Florida Blue Key and Omicron Delta Kappa. He received his Doctor of Jurisprudence degree from South Texas College of Law where he attended school at night while working full time during the day. He graduated *magna cum laude*, was a member of the Order of the Lytae, and was Associate Editor-in-Chief of the *South Texas College of Law Journal*.

